

FILED
ASHEVILLE, N. C.

AUG - 8 2006

U.S. DISTRICT COURT
W. DIST. OF N. C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

IN RE: REAL PROPERTY LOCATED AT)
109 KELLER AVENUE, MORGANTON,)
NORTH CAROLINA, 28655, AS MORE)
PARTICULARLY DESCRIBED IN A DEED)
RECORDED AT BOOK 329, PAGE 199, IN)
THE BURKE COUNTY, NORTH)
CAROLINA, PUBLIC REGISTRY)
_____)
FILE IN GRANTOR INDEX UNDER:)

1:06mc147

**ORDER
AND LIS PENDENS**

WILLIAM I. KELLER

JOYCE H. KELLER

ROBERT BLAKE KELLER

WHEREAS, the United States of America, by and through Special Agent Chris Chambliss, North Carolina State Bureau of Investigation, Carolina, has presented an affidavit to the Court alleging that the above-captioned property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 *et seq.* and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, the Court, having reviewed the affidavit, finds that there is probable cause to believe that the property was involved in or facilitated controlled substances trafficking and/or money laundering and/or was the proceeds of such criminal activity, in violation of 21 U.S.C. §801 *et seq.* and/or 18 U.S.C. §§1956-1957; and,

WHEREAS, upon this finding of probable cause, the property may be subject to criminal or civil forfeiture to the United States pursuant to 18 U.S.C. §§ 981 and 982, and/or 21 U.S.C. §§ 881 and 853, and the government is entitled to record a lis pendens to give public notice of the government's forfeiture interest and potential civil and/or criminal forfeiture claim against the

property;

THEREFORE, the United States is directed forthwith to file this Order and Lis Pendens with the appropriate state or local public depository to prevent the flight or transfer of the property so that the United States may initiate action to adjudicate forfeiture of the property; and,

ALL WHO READ THIS ORDER AND LIS PENDENS TAKE NOTICE that the property is subject to forfeiture to the United States in a present or future criminal or civil *in rem* action before this Court, and any person who has a question as to this action should contact:

United States Attorney
for the Western District of North Carolina
Attn: Thomas R. Ascik, Assistant United States Attorney
100 Otis Street
Asheville, North Carolina
(828) 271-4661

This the 8th day of August, 2006.


UNITED STATES MAGISTRATE JUDGE

TO THE RECORDER OF THIS INSTRUMENT: MAIL ANY AND ALL RECORDED COPIES TO THE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA AT THE ABOVE ADDRESS.

AFFIDAVIT

Chris Chambliss, first being duly sworn, avers,

I am a special agent with the North Carolina State Bureau of Investigation,

Summary as it relates to 109 Keller Avenue, Morganton, North Carolina 28655.

1. On October 21, 2004, Antonio Leno Brooks, W/M/DOB: 01-14-1976, was interviewed by McDowell County Drug Enforcement Detectives Shanon Smith and Chris Taylor. Brooks advised that he has been out of jail for one and a half months and since this time he has been purchasing methamphetamine from Robert Blake Keller. Brooks stated that Keller is selling most of his methamphetamine from his parents residence (109 Keller Avenue, Morganton, North Carolina) and approximately four days ago he was there and observed Keller with at least two ounces of crystal methamphetamine. Brooks advised that he traded 1 gram of Keller's crystal methamphetamine for ½ gram of his (Brooks) cooked methamphetamine.
2. On December 16, 2004, Jennifer Marie Eversole, W/F/DOB: 06-17-1977, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv.'s D.B. Dellinger and T.E. Buchanan. Eversole stated that in November 2004 she traveled with Jammie Ray Pittman to 109 Keller Avenue for the purpose of purchasing methamphetamine. Eversole stated that she was present for the deal and she provided the money but Pittman did the hand to hand deal with Keller and then gave the methamphetamine to her. Eversole stated she did a total of 3 deals this way with Keller.
3. On February 09, 2005, Robert Blake Keller, W/M/DOB: 11-30-1960, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Keller advised the officers that he was a methamphetamine user and distributor. Keller further stated that he has done narcotics at his parents residence located but he tries to meet people on the road because he was too nervous.
4. On May 11, 2005, Kenneth Robert Hilderbrand, W/M/DOB: 05-10-1967, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. R.E. Hasson. Hilderbrand advised that he began dealing with Robert Blake Keller around 2001 or 2002. Since that time he has done deals with Robert Blake Keller at his parents residence (109 Keller Avenue, Morganton, North Carolina), his garage or his (Keller's) old residence or his (Hilderbrand) residence. Hilderbrand stated that in the past he has also seen Keller with an igloo thermos that is pipe sized. He watched him remove methamphetamine from this thermos weigh it out to sell. This incident occurred at 109 Keller Avenue, Morganton, North Carolina.
5. On May 26, 2005, Rita Shay Hensely, W/F/DOB: 09-24-1973, was interviewed by NC SBI S/A C.M. Chambliss, ATF S/A J.E. Bivins and BCNTF Inv. D.B. Dellinger. Hensely informed the officers that in the past she has been to 109 Keller Avenue and this was residence of Keller's parents. She stated that Keller hid his methamphetamine there and in the past she heard his father tell him that the police were going to get him.
6. On June 23, 2005, Jeffery Ross Burleson, W/M/DOB: 10-22-1954, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. T.E. Buchanan. Burleson advised that since spring 2002 he has been purchasing methamphetamine from Robert Blake Keller. Burleson stated that the last deal he did with Robert Blake Keller occurred today (06-23-

2005) and it was at Keller's parents residence (109 Keller Avenue, Morganton, North Carolina).

7. On July 20, 2005, a state of North Carolina search warrant was executed on a residence identified as 109 Keller Avenue, Morganton, North Carolina. Inside of the residence officers located several items to include marijuana, a methamphetamine pipe, firearm and video tapes, and security cameras with monitors. Several of the video tapes contained images of Robert Blake Keller along with others using, packaging and distribution methamphetamine in the basement of the residence identified as 109 Keller Avenue, Morganton, North Carolina. William and Joyce Keller (Robert Blake Keller's parents) were present during the search.
8. On July 20, 2005, NC SBI S/A C.M. Chambliss informed William and Joyce Keller (Robert Blake Keller's parents) that their son was a methamphetamine user and distributor. S/A Chambliss further advised Keller's parents that he was selling illegal narcotics inside of their residence and that he had filmed himself doing so. S/A Chambliss asked Keller's parents if they would like to see the video tapes whereas they both declined. This conversation occurred at 109 Keller Avenue, Morganton, North Carolina.
9. On September 14, 2005, Jennifer Michelle Albrecht, W/F/DOB: 12-28-1972, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. M.J. Lawing. Albrecht advised that the first time she used methamphetamine was in October 2003 and since that point in time she has used crystal methamphetamine at Robert Blake Keller's residence (109 Keller Avenue, Morganton, North Carolina). Albrecht stated that she recalled seeing him with an ounce of crystal methamphetamine once at the residence and it was stored in a container.
10. On October 20, 2005, Tracy Lee Greene, W/M/DOB: 07-17-1971, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Greene advised that in 2000 he began using methamphetamine that came from Robert Blake Keller. A few months prior to July 20, 2005, he observed Keller weighing out approximately 1/4 lb of crystal methamphetamine at his parents residence. Greene stated that he was aware of the video tapes and hidden camera's at 109 Keller Avenue because he is the one that installed them. Keller informed him that he was tired of people stealing from his residence so this was done as a means to catch them. Greene stated that he felt the Keller's father knew what was going on.
11. On January 13, 2006, Jeffery Michael Collingwood, W/M/DOB: 11-11-1974, was interviewed by NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Collingwood stated that he has purchased methamphetamine from Robert Blake Keller one time in the past but his sources are supplied by Keller. In 2004 he went to Keller's parents residence (109 Keller Avenue, Morganton, North Carolina) and observed him counting \$17,000.00 in United States Currency.
12. On January 24, 2006, Kevin Paul Brittain, W/M/DOB: 07-20-1975, was interviewed by

NC SBI S/A C.M. Chambliss and BCNTF Inv. D.B. Dellinger. Brittain advised that around December 25, 2005, he observed Robert Blake Keller sell Julina Buchanan a quantity of methamphetamine in Keller's basement (109 Keller Avenue, Morganton, North Carolina). Brittain stated that approximately two weeks ago he was in the basement of Keller's smoking methamphetamine. Present was Keller, Buchanan, Neil Poole and Brian Woody.

13. On May 11, 2006, Eric NMN Curtis, W/M/DOB: 01-24-1976, was interviewed by BCNTF Inv. Mike Church. Curtis stated that on May 10, 2006, he purchased one and one-half (1.5) grams of methamphetamine from Robert Blake Keller. The deal occurred at Keller's residence.
14. On May 14, 2006, Kessa Lee Kress, W/F/DOB: 02-04-1981 was interviewed by BCNTF Inv. M.J. Lawing. Kress advised that on this day Jammie Ray Pittman and she traveled to the residence of Robert Blake Keller whereas Pittman picked up a pain pill and a brown thing that was in his pocket. Kress stated that she has been using methamphetamine since May 2005 and that she has been to Keller's residence with Pittman 20 times and 10 of those times Pittman received methamphetamine from Keller.
15. On May 15, 2006, a state of North Carolina search warrant was executed at 109 Keller Avenue, Morganton, North Carolina. Officers located firearms, sandwich bags, methamphetamine pipe, digital scales, security camera and methamphetamine. William and Joyce Keller (Robert Blake Keller's parents) were present during the search.
16. On June 08, 2006, BCNTF Inv. D.B. Dellinger and NC SBI traveled to the residence of Robert Blake Keller located at 109 Keller Avenue, Morganton, North Carolina. The purpose of the trip was to serve a federal indictment on Robert Blake Keller. While at the residence Keller was taken into custody without incident but during the course of his arrest Keller attempted to conceal an item that he had upon his person. Officers received consent from William Keller who was at the residence at the time of Robert Blake Keller's arrest. Officers were able to locate a container that contained methamphetamine.
17. On June 12, 2006, NC SBI S/A C.M. Chambliss spoke with William Keller at the Federal Court House in Asheville, North Carolina. Keller informed S/A Chambliss that he and his wife were aware of what their son (Robert Blake Keller) was doing and at least now that he was in custody they knew he was safe.



Chris Chambliss, SBI Agent

Subscribed and sworn before me this date,

This the 8th day of August, 2006,

A handwritten signature in cursive script, appearing to read "Dennis L. Howell", is written over a horizontal line.

DENNIS L. HOWELL

UNITED STATES MAGISTRATE JUDGE